IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 21ST JULY 2006 / 30TH ASHADHA,1928

Bail Appl..No. 4538 of 2006

STC.1628/2005 of J.M.F.C.,MATTANNUR

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PETITIONER/ACCUSED:

INDIRA BHASKARAN, W/O. BHASKARAN NAIR,
AGED 44 YEARS, SREENIKETHAN,
NETAJI ROAD, IRITTY P.O.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS: COMPLAINANT:

DRUGS INSPECTOR (ADDL.I) OFFICE
OF THE ASST.DRUGS CONTROLLER, KANNUR, REP. BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/7/2006 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4538/2006

DATED THIS THE 21ST DAY OF JULY, 2006

O R D E R

The petitioner is the accused, in S.T.No.1628/2005 on the file of the Judicial Magistrate of First Class, Mattannur. The petitioner is stationed in Gulf, with her husband. Therefore, she could not be present before the Court, when the case was taken up. But her brother, who was managing the Ambika Medicals, licensed in her name, was present before the Court, he being the second accused. The allegation, as found in the instructions, supplied by the Drug Inspector to the prosecution, is that at the time of inspection of the Drug Inspector, there was no registered pharmacist. Therefore, an offence under Section 27(d) of the 'Drugs and Cosmetics Act', 1940, had been registered against the petitioner, as the first accused and her brother, as the second accused. The petitioner is now in this country. Hence she is before this Court, under Section 438 Cr.P.C.

2. The punishments, prescribed under Section 27(d) is upto a period of two years. Considering the facts that are placed before me, particularly that 'Ambika medicals' is managed by the second accused, her brother, though the petitioner, first accused, is a licensee, I direct the petitioner to appear before the Judicial Magistrate of First Class, Mattnnur, on the next posting date and move an application for bail, in which event, the learned Magistrate shall allow her to be on bail, imposing such conditions, which are deemed necessary.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs